

U.S. Department of Justice



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December 17, 2021

BY ECF

The Honorable Alison J. Nathan
United States District Court
Southern District of New York
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *United States v. Ghislaine Maxwell, S2 20 Cr. 330 (AJN)*

Dear Judge Nathan:

The Government files this letter in advance of the expected testimony of law enforcement agents. From conferring, the Government understands that the defense intends to ask questions of at least one law enforcement witness beyond those questions that elicit prior inconsistent statements (to which the Government has generally offered to stipulate, insofar as they are admitted).

In advance of the agents' testimony, the Government writes regarding the boundaries of the Court's prior rulings on the scope of questions put to law enforcement witnesses. Specifically, and pursuant to the Court's rulings at the November 1, 2021 conference (attached as Exhibit A), the Government will object to any questions about "the failure to utilize some particular technique"

(11/01/21 Tr. at 16 (citing *United States v. Saldarriaga*, 204 F.3d 50 (2d Cir. 2000))), that the government “had an improper motive” (*id.* (citing *United States v. Regan*, 103 F.3d 1072 (2d Cir. 1997))), “affirmative evidence by the defense that goes to the thoroughness of the investigation” (*id.* at 17), “[t]he length of the investigation, the investigative techniques used, and the fact that the defendant was not initially a target of the investigation” (*id.* at 19 (quoting *United States v. Duncan*, No. 18 Cr. 289, 2019 WL 2210663 (S.D.N.Y. 2019))), and questions about “who [the case agents] talked to, what documents they subpoenaed, and when,” (*id.* at 20), among other lines of questioning.

Without knowing details of the defense’s anticipated direct examination of the law enforcement witnesses, however, the Government does not seek relief at this time.

Respectfully submitted,

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Cc: Defense Counsel (by ECF)